IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No 05-1003-B5; (EX05-005C-US))

In the Application of:	)	
	)	
Friedman *et al.*	)	
	)	**Examiner: Cook, Lisa**
Serial No.: 10/587,253	)	
	)	**Group Art Unit: 1641**
Filing Date: June 8, 2007	)	
	)	**Confirmation No. 7013**
For: MAN2As as Modifiers of the IGFR Pathway and Methods of Use	)	

RESPONSE TO RESTRICTION REQUIRMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is filed in response to the restriction requirement mailed on October 1, 2009, in the above-mentioned application. Applicants submit herewith a petition for a four month extension of time and the appropriate fee. It is believed that no further fee is due in connection with this filing. However, if a fee is due the Commissioner is authorized to charge our deposit account 13-2490.

With respect to the restriction requirement, Applicants hereby elect with traverse Group I claims, allegedly drawn to methods for identifying a candidate modulator of the IGFR pathway, for prosecution on the merits. The claims readable thereon are claims 1-12 and 16-18.

Applicants request clarification of the status of claims 16-18. The restriction requirement states that Group II, **claims 13-22**, is "directed to a method of modulating a cell defective in IGFR function". (emphasis added). A review of claims 13-22 indicates that **claims 13-15** recite "a method for modulating an IGFR pathway of a cell comprising contacting a cell defective in IGFR function with a candidate modulator that specifically binds to a MAN2Apolypeptide, whereby IGF function is restored." **Claims 20-22** recite "a

method of modulating IGFR pathway in a mammalian cell comprising contacting the cell with an agent that specifically binds a MAN2A polypeptide or nucleic acid."

However, **claims 16-18** (which depend from claim 1, not claim 13 or claim 20) recite a method of identifying a candidate IGFR pathway modulating agent comprising the steps of claim 1 and the additional steps of providing a secondary assay system comprising cultured cells or a non-human animal expressing MAN2A, contacting the secondary assay system with the test agent, and detecting an agent-biased activity of the second assay system to confirm that the test agent is a candidate IGFR pathway modulating agent. Claim 17 depends from claim 16 and recites that the secondary assay system comprises cultured cells. Claim 18 depends from claim 16 and recites that the secondary assay system comprises a non-human animal. Claim 19 depends from claim 18 and recites that the non-human animal mis-expresses a IGFR pathway gene. Thus, claims 16-18 are drawn to a method of identifying a candidate IGFR pathway modulating agent, not to a method of modulating IGFR pathway. Further, claims 16-18 do not recite the use of a cell defective in IGFR function. Given that the methods of claims 16-18 do not share the recited features of the Group II claims (method of modulating a cell defective in IGFR function), Applicants fail to understand how claims 16-18 are Group II claims. Applicants respectfully submit that at least claims 16-18 should be included in the Group I invention.

If the Examiner has any questions regarding this response, she is invited to call the undersigned attorney.

Respectfully submitted,

Dated: February 2, 2010

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